IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

WP(C).No. 7385 of 2007(D)

PETITIONERS:

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1. **RAJANI RAJU, W/O.RAJU, ANANDA BHAVAN, THELLAKOM P.O., KOTTAYAM - 686 028.**

2. **RADHAKRISHNAN N.V., ANANDA BHAVAN, THELLAKOM P.O., KOTTAYAM - 686 028.**

BY ADV. SRI.MATHEW PHILIP EDAPPALLIL

RESPONDENTS:

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1. **SECRETARY, K.S.E.B., VYDHYUTHI BHAVAN, PATTOM PALACE P.O., TRIVANDRUM - 695 004.**

2. **ASST.EXECUTIVE ENGINEER, K.S.E.B., GANDHINAGAR, SUB DIVISION, GANDHI NAGAR P.O., KOTTAYAM - 686 008.**

3. **ADDITIONAL DISTRICT MAGISTRATE, KOTTAYAM - 686 002.**

4. **THANKAMMA, W/O.RAGHAVAN, PARAYNAKAVU, THELLAKOM P.O., KOTTAYAM - 686 028.**

5. **BABY JOSE, KANNAMPADAM, THELLAKOM P.O., KOTTAYAM - 686 028.**

BY ADV. SRI.JOSE J.MATHEIKEL, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.7385/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE BASIC TAX RECEIPT IN FAVOUR OF IST PETITIONER.

EXT.P2:- COPY OF THE BASIC TAX RECEIPT IN FAVOUR OF 2ND PETITIONER.

EXT.P3:- COPY OF THE PLAN SHOWING LIE OF HOLDINGS AND ELECTRIC POSTS AVAILABLE.

EXT.P4:- COPY OF THE ORDER K/DIS 4361/07/HI DT.26.2.07 OF THE 3RD RESPONDENT.

EXT.P5:- COPY OF THE COMPLAINT SUBMITTED BEFORE DISTRICT COLLECTOR, KOTTAYAM. DT.17.2.07.

/TRUE COPY/

tss

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 7385 OF 2007-D

JUDGMENT

The petitioners object the drawing of the electricity line through the boundary of their properties, to give connection to the 4th respondent. The impugned order Ext.P4 is passed by the 3rd respondent Additional District Magistrate. The petitioners have produced Ext.P6 sketch. They point out that the present proposal is to draw the line through DEF. The portion DE will be cutting across the joint property of the petitioners. The 2nd petitioner is the brother-in-law of the 1st petitioner. She proposes to purchase the share of the 2nd petitioner also. In that event, the line, if drawn as per the proposal, will be passing through the middle of the property. So, they suggest that the line may be drawn from B to G and then to H in the 4th respondent's property.

2. The respondents have filed a counter affidavit, opposing the suggestion of the petitioners. According to them, post A is in the property of a private party. He will not permit the drawing of the line from A to B, so that the line will proceed through the western boundary of the 2nd petitioner's property.

3. Heard the learned counsel on both sides. At present the line is proposed to be drawn through the boundary dividing the properties of the 1st petitioner and the 2nd petitioner. So, no serious prejudice or inconvenience is caused. If the line is to be drawn as suggested by the petitioners, there will be a further delay, as the owner of the property where post A lies, is opposing the proposal. Therefore, I feel that this Court is not justified in interfering with Ext.P4 order under Article 226 of the Constitution of India. But, if the 1st petitioner purchases the property of the 2nd petitioner, then the 1st petitioner can move for shifting of the line to the western boundary. In that event, unless there are compelling grounds, the said motion shall be considered favourably.

The Writ Petition is disposed of as above.

23rd March, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/